

## **REMARKS**

Claims 1-7 and 9-15 remain pending in the present application. Claims 1, 2, 4, 6, 7, 9, 11, 13 and 15 have been amended. Basis for the amendments can be found throughout the specification, drawings and claims as originally filed.

## **OBJECTION TO THE DRAWINGS**

The Examiner has objected to the drawings alleging they fail to illustrate a fastening mechanism as well as a motor. Applicants draw the Examiner's attention to FIG. 6b which illustrates a securing or fastening mechanism defined in paragraph [0042] which identifies screw bosses (unnumbered) and are secured to each housing half at the location of the recessed portions. Additionally, one skilled in the art of power tools intuitively recognizes that a power tool includes a motor. Accordingly, it is inherent in a power tool that a motor exists and therefore one skilled in the art would know that a motor was in the tool and thus is inherently shown.

## **REJECTION UNDER 35 U.S.C. §112, FIRST PARAGRAPH**

The Examiner has rejected the claims under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement.

Applicants have amended several of the claims in an attempt to overcome the Examiner's rejection.

## **REJECTION UNDER 35 U.S.C. §112, SECOND PARAGRAPH**

The Examiner has rejected the claims under 35 U.S.C. §112, second paragraph, alleging them to be indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Applicants have amended several of the claims in an attempt to overcome the Examiner's 35 U.S.C. §112 rejection. In light of the amendments, Applicants respectfully request the Examiner to withdraw his §112 rejection.

### **REJECTION UNDER 35 U.S.C. §103(a)**

The Examiner has rejected Claims 1, 6, 7 and 9-11 under 35 U.S.C. §103(a) as being unpatentable over Hagan et al. (U.S. Patent No. 6,805,207) in view of DeLuca et al (U.S. Patent No. 6,591,456).

Independent Claims 1 and 6 have been amended. Claims 1 and 6 further define a recess in the housing. The recess receives the flexible member.

The Hagan reference cited by the Examiner illustrates an end cap 100 having an overmold member 102. Thus, these two pieces are injection molded with one another to form a single piece. The DeLuca reference illustrates a pen which includes a cushioning member. The combination of these references fails to illustrate a recess to receive the flexible sheet as claimed by Applicants. Accordingly, the Examiner's combination fails to render Applicants' claims obvious to those skilled in the art.

Thus, Applicants believe Claim 1 and 6, as well as their dependent claim (Claim 7) to be patentably distinct over the art cited by the Examiner.

Claim 11 defines a recess to retain the chamber on the housing. As mentioned above, the Hagan and DeLuca combination fail to disclose the recess as claimed by Applicants. Applicants fail to see how the DeLuca reference will be overmolded with the Hagan device. Thus, Applicants believe that DeLuca teaches away from being combined with Hagan since Hagan relates to an injection molded overmolding and

DeLuca does not provide material which is capable of being overmolded as in the Hagan reference.

Accordingly, the Examiner's combination teaches away from combining the references with one another. Accordingly, Applicants believes Claim 9, as well as depending Claims 10 and 11, to be patentably distinct over the art cited by the Examiner.

The Examiner has rejected Claims 2-5 under 35 U.S.C. §103(a) alleging them to be unpatentable over DeLuca in view of Hagan and Rechelbacher (U.S. Patent No. 6,647,582).

Claim 2 has been amended to further define a recess in the housing. The flexible sheet is bound by the housing recess and the securing plate. As mentioned above, DeLuca and Hagan fail to disclose such a feature. The combination with Rechelbacher likewise fails to disclose the recess as claimed.

Accordingly, Applicants believe Claims 2-5 to be patentably distinct over the Examiner's combination.

The Examiner has rejected Claims 12-14 under 35 U.S.C. §103(a) as being unpatentable over Hagan in view of Thomas (U.S. Patent No. 3,849,943) and DeLuca.

The Examiner has combined the Thomas reference to illustrate a power sander. Thomas illustrates nothing relating to any type of damping medium as claimed. As pointed out above, Hagan and DeLuca teach away from the combination with one another. Hagan teaches two elements 100 and 102 overmolded with one another in an injection molding process. DeLuca teaches positioning the cushioning member into a cap which is positioned onto the pen. Thus, the inability to be able to combine DeLuca

in an overmolding fashion teaches away from the combination of Hagan and DeLuca. Thus, Applicants believe Claims 12-14 to be patentably distinct over the art cited by the Examiner.

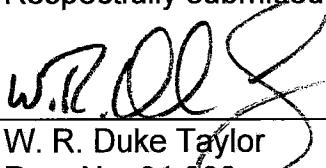
The Examiner has rejected Claim 15 under 35 U.S.C. §103(a) alleging it to be unpatentable over Hagan in view of Lentino (U.S. Patent No. 5,083,376) and DeLuca.

Claim 15, like Claim 1, has been amended to define a recess in the handle. The vibration damping medium is retained between the handle recess and the securing plates. The Examiner's combination fails to disclose the claimed recess for the reasons set forth above. Accordingly, Applicants believes Claim 15 to be patentably distinct over the art cited by the Examiner.

In light of the above amendments and remarks, Applicants submit that all pending claims are in condition for allowance. Accordingly, Applicants respectfully request the Examiner to pass the case to issue at his earliest possible convenience. Should the Examiner have any questions regarding the present application, he should not hesitate to contact the undersigned at (248) 641-1600.

Respectfully submitted,

By:

  
W. R. Duke Taylor  
Reg. No. 31,306

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HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

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